Permit No.: WA-005242-6
Issuance Date: January 21, 2005
Effective Date: March 1, 2005
Expiration Date: February 28, 2010

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
WASTE DISCHARGE PERMIT NO. WA-005242-6

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
CENTRAL REGION OFFICE
YAKIMA, WASHINGTON 98902

In compliance with the provisions of
The State of Washington Water Pollution Control Law
Chapter 90.48 Revised Code of Washington
and
The Federal Water Pollution Control Act
(The Clean Water Act)
Title 33 United States Code, Section 1251 et seq.

PORT OF SUNNYSIDE
INDUSTRIAL WASTEWATER TREATMENT FACILITY (IWWTF)
PO BOX 329
SUNNYSIDE, WA 98944

Plant Location 625 Midvale Road Sunnyside, WA 98944	Treatment Processes Aerated Lagoons, Sequencing Batch Reactor (SBR), followed by either further treatment in a land treatment system or discharge to Joint Drain 33.4
Receiving Water Outfall 001 Roza-Sunnyside Board of Joint Control Joint Drain 33.4 (No Waterbody ID Number Established)	Discharge Location Outfall 001 Latitude: 46° 17' 42" N Longitude: 120° 01' 12" W
Receiving Water Outfall 002 Ground Water	Legal Description Section 1 and the NE ¼ of Section 12, Township 9 North, Range 22 E. W. M.

is authorized to discharge in accordance with the special and general conditions that follow.

_____
G. Thomas Tebb, L.E.G.
Section Manager
Water Quality Program
Central Region Office
Washington State Department of Ecology

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SUMMARY OF PERMIT REPORT SUBMITTALS

Refer to the Special and General Conditions of this permit for additional submittal requirements.

Permit Section	Submittal	Frequency	First Submittal Date
S3.	Discharge Monitoring Report	Monthly	April 15, 2005
S3.E.	Noncompliance Notification	As necessary	As necessary
S4.A.1.	Comprehensive Treatment System Design Criteria	1/permit cycle	April 15, 2008
S4.B.	Plans for Maintaining Adequate Capacity	As necessary	As necessary
S4.C.	Notification of New or Altered Sources	As necessary	As necessary
S4.E.	Wasteload Assessment	Annually	April 15, 2005
S5.E.	Operations and Maintenance Manual	1/permit cycle	June 15, 2005
S5.E.	Updated Operations and Maintenance Manual	1/permit cycle	February 28, 2009
S6.D.	Annual Industrial User Survey	Annually	April 15, 2005
S7.	Sludge Management Plan	1/permit cycle	July 15, 2007
S8.A.	Scope of Work	1/permit cycle	July 15, 2008
S8.B.	Draft Engineering Report	1/permit cycle	January 15, 2009
S8.C.	Final Engineering Report	1/permit cycle	July 15, 2009
G1.	Notice of Change in Authorization	As necessary	As necessary
G4.	Reporting Planned Changes	As necessary	As necessary
G5.	Engineering Report for Construction or Modification Activities	As necessary	As necessary
G7.	Application for Permit Renewal	1/permit cycle	February 28, 2009
G21.	Reporting Anticipated Non-compliance	As necessary	As necessary
G22.	Reporting Other Information	As necessary	As necessary

SPECIAL CONDITIONS

S1. DISCHARGE LIMITATIONS

All discharges and activities authorized by this permit shall be consistent with the terms and conditions of this permit. The discharge of any of the following pollutants more frequently than, or at a level in excess of, that identified and authorized by this permit shall constitute a violation of the terms and conditions of this permit.

A. Discharge to Joint Drain 33.4--Outfall 001

1. Effluent Limitations

Beginning on **March 1, 2005** and lasting through **February 28, 2010,** the Permittee is authorized to discharge treated wastewater to Joint Drain 33.4 at the permitted location, **during the months of October through June,** subject to the following limitations:

EFFLUENT LIMITATIONS: OUTFALL #001	
Parameter	**Average Monthly**
Flow	0.55 MGD
5-day Biochemical Oxygen Demand (BOD_5)	60 mg/L; 275 lbs/day
Total Suspended Solids (TSS)	100 mg/L; 459 lbs/day
pH	Between 6.0 and 9.0 at all times.
a-The average monthly effluent limitations shall be based on the arithmetic mean of the samples taken during the calendar month.	

B. Discharge to the Land Treatment System--Outfall 002

1. Effluent Limitations

Beginning on **March 1, 2005** and lasting **February 28, 2010**, the Permittee is authorized to apply wastewater to land via spray irrigation on the following designated irrigation lands:

> Approximately 398 acres located roughly one quarter mile south of Interstate 82, between Midvale and Sunnyside-Mabton Roads in the City of Sunnyside. Described as Sections 1 and 12, of Township 9 North, Range 22 E.W.M.

Hydraulic and constituent loadings to the sprayfield shall not exceed either the absolute loadings in subparts a, b, or c of this Special Condition, or the loadings in the most recently approved Land Application Management and Monitoring Plan.

a. Maximum Loading Limitations for Fixed Dissolved Solids

The Port shall limit its annual discharge of fixed dissolved solids (FDS) to the land treatment system to 4.30 million pounds; *provided* that upon completion of construction and commencement of operation of the Phase 1 sequencing batch reactor (SBR) and submission of three (3) months of data that demonstrates operation of the SBR as specified in the Industrial Wastewater Treatment Facility Draft Engineering Report, dated March 28, 2002 (i. e., SBR monthly average effluent concentrations as follows: BOD ≤ 30 mg/L, TSS ≤ 30 mg/L, and total nitrogen [TKN + NO_3] ≤ 13 mg/L), the annual discharge limit of FDS applied to the sprayfield shall increase to 4.47 million pounds, with discharge during the year in which the SBR begins operation as determined by a pro rated annual FDS loading based on a calendar year.

The Port shall submit a **written request** for revision of the FDS limit. Upon receipt of the written request, the Department shall review current information and make a determination, within ninety (90) days of the Department's receipt, whether or not additional FDS loadings will be authorized.

b. Maximum Hydraulic Loading Limitations

Beginning on **March 1, 2005** and lasting **February 28, 2010**, the Permittee's discharge to the sprayfield shall not exceed the following maximum hydraulic loading limitations:

Parameter	Time Period	Maximum Aggregate Sprayfield Hydraulic Loading
Wet Year Weather[a]	February through October	65,335,100 cubic feet
Average Year Weather[a]	February through October	71,116,900 cubic feet
Dry Year Weather[a]	February through October	77,766,100 cubic feet
a-Defined in pages 10-2 through 10-5 of the 2003 Engineering Report.		

c. Maximum Loading Limitations for All Other Constituents

1. Interim Limitations

Beginning on **March 1, 2005** and lasting **through February 28, 2007**, the Permittee's discharge to the sprayfield shall not exceed the following maximum constituent loading limitations:

Parameter	Maximum Acre/year Loading	Maximum Annual Aggregate Sprayfield Loading	Maximum Daily Loading
Total BOD	34,800 lbs/acre/year	13,857,400 lbs/year	Not Limited
Soluble BOD	Not Limited	Not Limited	15 lbs/acre/day
Total Nitrogen	600 lbs/acre/year	238,800 lbs/year	Not Limited
pH	Between 5.0 and 10.0 at all times.		

2. Final Limitations

Beginning on **March 1, 2007** and lasting **February 28, 2010**, the Permittee's discharge to the sprayfield shall not exceed the following maximum constituent loading limitations:

Parameter	Maximum Monthly Loadings	Maximum Annual Aggregate Sprayfield Loading	Maximum Daily Loading
Total BOD	34,800 lbs/acre/year	13,857,400 lbs/year	Not Limited
Soluble BOD	Not Limited	Not Limited	15 lbs/acre/day
Total Nitrogen	432 lbs/acre/year	172,000 lbs/year	Not Limited
pH	Between 5.0 and 10.0 at all times.		

2. Ground Water Enforcement Limitations

The points of compliance for the following limits are ground water monitoring wells MW-2, MW-15 and MW-16.

Parameter	Concentration Not To Be Exceeded in Two Consecutive Months
Chloride	250 mg/L
NO_3, as N	9.1 mg/L
TDS	1,003 mg/L

In the event of an exceedance, the Permittee shall:

1. Provide immediate verbal notification to the Department's Central Regional Office, Water Quality Program;
2. Resample the well(s) within 48 hours of receiving the lab report;
3. Provide written notification with the next monitoring report; and,
4. Comply with other actions as required by the Department.

S2. MONITORING REQUIREMENTS

The Permittee shall monitor in accordance with the requirements of this Special Condition.

A. Wastewater Monitoring

1. Influent Monitoring

a. Lagoon 1

Parameter	Units	Sample Point	Minimum Sampling Frequency	Sample Type
Flow	MGD	Influent Weir	Continuous[a]	Metered
Total BOD_5	mg/L	Influent Weir	Twice/week[b]	24-hour Composite[c]
Total BOD_5	lbs/day	Influent Weir	Twice/week	Calculation[d]
Soluble BOD_5	mg/L	Influent Weir	Twice/week	24-hour Composite
Soluble BOD_5	lbs/day	Influent Weir	Twice/week	Calculation
TSS	mg/L	Influent Weir	Twice/week	24-hour Composite
TSS	lbs/day	Influent Weir	Twice/week	Calculation
Total Kjeldahl Nitrogen (TKN)	mg/L	Influent Weir	Twice/week	24-hour Composite
TKN	lbs/day	Influent Weir	Twice/week	Calculation
Total Nitrogen (TKN + Nitrate + Nitrite)	mg/L	Influent Weir	Twice/week	24-hour Composite
Total Nitrogen	lbs/day	Influent Weir	Twice/week	Calculation
a-"Continuous" means without interruption throughout the operating and discharging hours of the Permittee's facility, except for infrequent shutdowns for maintenance.				
b-"Twice/week" means two (2) times during each calendar week and on a rotational basis throughout the days of the week, when possible, except weekends and holidays.				
c-"24-hour composite" means a series of individual samples collected over a 24-hour period into a single container, and analyzed as one sample.				
d-"Calculation" means figured concurrently with the respective sample, using the following formula: Concentration (in mg/L) X Flow (in MGD) X Conversion Factor (8.34) = lbs/day.				

b. SBR Process

Parameter	Units	Sample Point	Minimum Sampling Frequency	Sample Type
Flow	MGD	Lagoon 1 or Lagoon 2/3[a]	Continuous[b]	Metered
Total BOD_5	mg/L	Lagoon 1 or Lagoon 2/3	Twice/week[c]	24-hour Composite[d]
Total BOD_5	lbs/day	Lagoon 1 or Lagoon 2/3	Twice/week	Calculation[e]
TSS	mg/L	Lagoon 1 or Lagoon 2/3	Twice/week	24-hour Composite
TSS	lbs/day	Lagoon 1 or Lagoon 2/3	Twice/week	Calculation
TKN	mg/L	Lagoon 1 or Lagoon 2/3	Twice/week	24-hour Composite
TKN	lbs/day	Lagoon 1 or Lagoon 2/3	Twice/week	Calculation
Total Nitrogen	mg/L	Lagoon 1 or Lagoon 2/3	Twice/week	24-hour Composite
Total Nitrogen	lbs/day	Lagoon 1 or Lagoon 2/3	Twice/week	Calculation
Nitrate	mg/L	Lagoon 1 or Lagoon 2/3	Twice/week	24-hour Composite
Nitrate	lbs/day	Lagoon 1 or Lagoon 2/3	Twice/week	Calculation

a-"Lagoon 1 or Lagoon 2/3" means the lagoon from which the SBR influent is drawn from.

b-"Continuous" means without interruption throughout the operating and discharging hours of the Permittee's facility, except for infrequent shutdowns for maintenance.

c-"Twice/week" means two (2) times during each calendar week and on a rotational basis throughout the days of the week, when possible, except weekends and holidays.

d-"24-hour composite" means a series of individual samples collected over a 24-hour period into a single container, and analyzed as one sample.

e-"Calculation" means figured concurrently with the respective sample, using the following formula: Concentration (in mg/L) X Flow (in MGD) X Conversion Factor (8.34) = lbs/day.

2. SBR Discharge to Joint Drain 33.4--Outfall 001

Parameter	Units	Sample Point	Minimum Sampling Frequency	Sample Type
Flow	MGD	Effluent Pipe	Continuous[a]	Metered
BOD_5	mg/L	Effluent Pipe	Twice/week[b]	24-hour Composite[c]
BOD_5	lbs/day	Effluent Pipe	Twice/week	Calculation[d]
BOD_5	% removal	Effluent Pipe	Once/month	Calculation[e]
TSS	mg/L	Effluent Pipe	Twice/week	24-hour Composite
TSS	lbs/day	Effluent Pipe	Twice/week	Calculation
TSS	% removal	Effluent Pipe	Once/month	Calculation
pH	Standard Units	Effluent Pipe	Daily[f]	Grab[g]
Temperature	°C	Equalization Basin	Continuous	Thermologger[h]
Total Ammonia	mg/L	Effluent Pipe	Twice/month[i]	24-hour Composite
Total Ammonia	lbs/day	Effluent Pipe	Twice/month	Calculation
Total Phosphorus	mg/L	Effluent Pipe	Twice/month	24-hour Composite
Total Phosphorus	lbs/day	Effluent Pipe	Twice/month	Calculation
TDS	mg/L	Effluent Pipe	Twice/month	24-hour Composite
TDS	lbs/day	Effluent Pipe	Twice/month	Calculation
FDS	mg/L	Effluent Pipe	Twice/month	24-hour Composite
FDS	lbs/day	Effluent Pipe	Twice/month	Calculation
TKN	mg/L	Effluent Pipe	Once/week	24-hour Composite
TKN	lbs/day	Effluent Pipe	Once/week	Calculation

a-"Continuous" means without interruption throughout the operating and discharging hours of the Permittee's facility, except for infrequent shutdowns for maintenance.

b-"Twice/week" means two (2) times during each calendar week and on a rotational basis throughout the days of the week, when possible, except weekends and holidays.

c-"24-hour composite" means a series of individual samples collected over a 24-hour period into a single container, and analyzed as one sample.

d-"Calculation" of lbs/day means figured concurrently with the respective sample, using the following formula: Concentration (in mg/L) X Flow (in MGD) X Conversion Factor (8.34) = lbs/day.

e-"Calculation" of % (percent) removal of BOD and TSS shall be calculated with the following algorithm: (Average Monthly Influent Concentration (in mg/L) - Average Monthly Effluent Concentration (in mg/L))/Average Monthly Influent Concentration (in mg/L).

f-"Daily" means every day of the week, except weekends and holidays.

g-"Grab" means an individual sample collected over a fifteen (15) minute, or less, period.

h-"Thermologger" means an automatic device capable of continuous measurement.

i-"Twice/month" means twice per calendar month. Samples shall not be taken during the same week nor during consecutive weeks.

3. Discharge to Land Treatment System--Outfall 002

Parameter	Units	Sample Point	Sampling Frequency	Sample Type
Flow	MGD	Irrigation Pump Sample Port	Continuous[a]	Metered
TKN	mg/L	Irrigation Pump Sample Port	Twice/month[b]	24-hour Composite[c]
TKN	lbs/day	Irrigation Pump Sample Port	Twice/month	Calculation[d]
Soluble BOD_5	mg/L	Irrigation Pump Sample Port	Twice/month	24-hour Composite
Soluble BOD_5	lbs/day	Irrigation Pump Sample Port	Twice/month	Calculation
Total BOD_5	mg/L	Irrigation Pump Sample Port	Twice/month	24-hour Composite
Total BOD_5	lbs/day	Irrigation Pump Sample Port	Twice/month	Calculation
Total Nitrogen	mg/L	Irrigation Pump Sample Port	Twice/month	24-hour Composite
Total Nitrogen	lbs/day	Irrigation Pump Sample Port	Twice/month	Calculation
Nitrate	mg/L	Irrigation Pump Sample Port	Twice/month	24-hour Composite
Nitrate	lbs/day	Irrigation Pump Sample Port	Twice/month	Calculation
pH	Standard Units	Irrigation Pump Sample Port	Twice/month	Grab[e]
Chloride	mg/L	Irrigation Pump Sample Port	Twice/month	24-hour Composite
Chloride	lbs/day	Irrigation Pump Sample Port	Twice/month	Calculation
TDS	mg/L	Irrigation Pump Sample Port	Twice/month	24-hour Composite
TDS	lbs/day	Irrigation Pump Sample Port	Twice/month	Calculation
FDS	mg/L	Irrigation Pump Sample Port	Twice/month	24-hour Composite
FDS	lbs/day	Irrigation Pump Sample Port	Twice/month	Calculation
Total Phosphorus	mg/L	Irrigation Pump Sample Port	Quarterly	24-hour Composite

Parameter	Units	Sample Point	Sampling Frequency	Sample Type
Total Phosphorus	lbs/day	Irrigation Pump Sample Port	Quarterly	Calculation
a-"Continuous" means without interruption throughout the operating and discharging hours of the Permittee's facility, except for infrequent shutdowns for maintenance.				
b-"Twice/month" means twice per calendar month. Samples shall not be taken during the same week nor during consecutive weeks.				
c-"24-hour composite" means a series of individual samples collected over a 24-hour period into a single container, and analyzed as one sample.				
d-"Calculation" of lbs/day means figured concurrently with the respective sample, using the following formula: Concentration (in mg/L) X Flow (in MGD) X Conversion Factor (8.34) = lbs/day.				
e-"Grab" means an individual sample collected over a fifteen (15) minute, or less, period.				

B. Soil Monitoring

The Permittee shall monitor land treatment system soils in accordance with the requirements in the most recent Department-approved Land Application Management and Monitoring Plan.

C. Vadose Zone Monitoring

The Permittee shall monitor land treatment system vadose zone in accordance with the requirements in the most recent Department-approved Land Application Management and Monitoring Plan.

D. Ground Water Monitoring

1. Sprayfield Monitoring Wells and Drains

The Permittee shall sample sprayfield monitoring wells MW-1 through MW-10, and MW-13 through MW16; and drains MW-11 and MW-12, in accordance with the following schedule. In the event any additional monitoring wells are installed, the Permittee shall sample in accordance with the following schedule, unless otherwise directed by the Department:

Parameter	Units	Sample Frequency	Sample Type
Depth to Ground Water	Feet	Once/month[a]	Field Measurement
Ferrous Iron	Present/Absent	Once/month	Field Measurement
Temperature	ºC	Once/month	Field Measurement
pH	Standard Units	Once/month	Field Measurement of Grab Sample[b]
Conductivity	µmho/cm	Once/month	Field Measurement
Fecal Coliform Bacteria	CPU/100 mL	Once/month	Grab
NO_3, as N	mg/L	Once/month	Grab
TKN	mg/L	Once/month	Grab
Chloride	mg/L	Once/month	Grab
TDS	mg/L	Once/month	Grab
FDS	mg/L	Once/month	Grab
Calcium	meq/L	1/year	Grab
Magnesium	meq/L	1/year	Grab
Sodium	meq/L	1/year	Grab
Potassium	meq/L	1/year	Grab
Sulfate	meq/L	1/year	Grab
Alkalinity	meq/L	1/year	Grab
a-"Once/month" means once per calendar month. Samples shall not be taken during the same week nor during consecutive weeks.			
b-"Grab" means an individual sample collected over a fifteen (15) minute, or less, period.			

2. Domestic Wells

The Permittee shall sample domestic wells Aa, Ab, Ac, C, E, H, K, L, P, Y, and Z, in accordance with the following schedule. In the event any additional monitoring wells are installed, the Permittee shall sample in accordance with the following schedule, unless otherwise directed by the Department.

Parameter	Units	Sample Frequency	Sample Type
Ferrous Iron	Present/Absent	Quarterly[a]	Field Measurement
Temperature	ºC	Quarterly	Field Measurement
pH	Standard Units	Quarterly	Field Measurement of Grab Sample[b]
Conductivity	µmho/cm	Quarterly	Field Measurement
Fecal Coliform Bacteria	CPU/100 mL	Quarterly	Grab
NO_3, as N	mg/L	Quarterly	Grab
TKN	mg/L	Quarterly	Grab
Chloride	mg/L	Quarterly	Grab
TDS	mg/L	Quarterly	Grab
FDS	mg/L	Quarterly	Grab
a-"Quarterly" means once each calendar quarter, e. g. January through March.			
b-"Grab" means an individual sample collected over a fifteen (15) minute, or less, period.			

E. Sampling and Analytical Procedures

Samples and measurements taken to meet the requirements of this permit shall be representative of the volume and nature of the monitored parameters, including representative sampling of any unusual discharge or discharge condition, including bypasses, upsets and maintenance-related conditions affecting effluent quality.

Sampling and analytical methods used to meet the monitoring requirements specified in this permit shall conform to the latest revision of the *Guidelines Establishing Test Procedures for the Analysis of Pollutants* contained in 40 CFR Part 136 or to the latest revision of *Standard Methods for the Examination of Water and Wastewater* (APHA), unless otherwise specified in this permit or approved in writing by the Department of Ecology (Department). In addition, the Permittee shall comply with the protocols and procedures detailed in the QAPP in the Land Application Management and Monitoring Plan.

F. Flow Measurement

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the quantity of monitored flows. The devices shall be installed and maintained to ensure that the accuracy of the measurements are consistent with the accepted industry standard for that type of device. Verification of accuracy shall be conducted at least once a year. Verification records shall be maintained for at least three (3) years.

G. Laboratory Accreditation

All monitoring data required by the Department shall be prepared by a laboratory registered or accredited under the provisions of, *Accreditation of Environmental Laboratories*, Chapter 173-50 WAC. Flow, temperature, settleable solids, conductivity, pH, and internal process control parameters are exempt from this requirement. Conductivity and pH shall be accredited if the laboratory must otherwise be registered or accredited. The Department exempts crops, soils, and hazardous waste data from this requirement pending accreditation of laboratories for analysis of these media.

H. Request for Reduction of Monitoring Frequency

The Permittee may request a reduction of the sampling frequency after twelve (12) months of monitoring. The request shall: (1) be in written form, (2) clearly state the parameters for which the reduction in monitoring is being requested, and (3) clearly state the justification for the reduction. Any request for reduction in monitoring shall be granted at the Department of Ecology's (Department) discretion and accomplished through an Administrative Order or permit modification.

S3. REPORTING AND RECORDKEEPING REQUIREMENTS

The Permittee shall monitor and report in accordance with the following conditions. The falsification of information submitted to the Department shall constitute a violation of the terms and conditions of this permit.

A. Reporting

The first monitoring period begins on **March 1, 2005**. Monitoring results shall be submitted monthly. Monitoring data obtained during each monitoring period shall be summarized, reported, and submitted on a Discharge Monitoring Report (DMR) form provided, or otherwise approved, by the Department. DMR forms shall be received by the Department no later than the 15th day of the month following the completed

monitoring period, unless otherwise specified in this permit. The report(s) shall be sent to:

Permit Data Systems Manager
Department of Ecology
Central Regional Office
15 West Yakima Avenue, Suite 200
Yakima, Washington 98902

All laboratory reports providing data for organic and metal parameters shall include the following information: sampling date, sample location, date of analysis, parameter name, CAS number, analytical method/ number, method detection limit (MDL), laboratory practical quantitation limit (PQL), reporting units, and concentration detected.

Discharge Monitoring Report forms must be submitted monthly whether or not the facility was discharging. If there was no discharge during a given monitoring period, submit the form as required with the words "no discharge" entered in place of the monitoring results.

B. Records Retention

The Permittee shall retain records of all monitoring information for a minimum of three (3) years. Such information shall include all calibration and maintenance records and all original recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the Permittee or when requested by the Department.

C. Recording of Results

For each measurement or sample taken, the Permittee shall record the following information: (1) the date, exact place, method, and time of sampling or measurement; (2) the individual who performed the sampling or measurement; (3) the dates the analyses were performed; (4) the individual who performed the analyses; (5) the analytical techniques or methods used; and (6) the results of all analyses.

D. Additional Monitoring by the Permittee

If the Permittee monitors any pollutant more frequently than required by this permit, using test procedures specified by Special Condition S2 of this permit, then the results of such monitoring shall be included in the calculation and reporting of the data submitted in the Permittee's DMR.

E. Noncompliance Notification

In the event the Permittee is unable to comply with any of the terms and conditions of this permit due to any cause, the Permittee shall:

1. Immediately take action to stop, contain, and cleanup unauthorized discharges or otherwise stop the noncompliance, correct the problem and, if applicable, repeat sampling and analysis of any noncompliance immediately and submit the results to the Department within (30) days after becoming aware of the violation.

2. Immediately notify the Department of the failure to comply.

3. Submit a detailed written report to the Department within thirty (30) days (five [5] days for upsets and bypasses), unless requested earlier by the Department. The report shall contain a description of the noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

Compliance with these requirements does not relieve the Permittee from responsibility to maintain continuous compliance with the terms and conditions of this permit or the resulting liability for failure to comply.

F. Maintaining a Copy of This Permit

A copy of this permit must be kept at the treatment plant and be made available upon request to the public or Ecology inspectors.

S4. FACILITY LOADING

A. Design Criteria

1. Submittal of Proposed Design Criteria

The Permittee shall submit to the Department, for review and approval, a proposed set of design criteria for the entire IWWTF. The design criteria shall quantify loadings to the lagoon system, SBR process and the land treatment system. Loadings shall be expressed as lbs/day. The Permittee shall consult with the Department to develop an appropriate time format to base the loadings, such as maximum monthly or average quarterly. In addition, the proposal shall explain the

rationale for the proposed design criteria and provide documentation. This submittal shall be received by the Department by **April 15, 2008**.

2. Compliance with Approved Design Criteria

After approval by the Department, design criteria for the treatment facility shall not be exceeded.

B. Plans for Maintaining Adequate Capacity

The permittee shall submit to the Department a plan and a schedule for continuing to maintain capacity when:

1. the actual flow or wasteload reaches 95 percent of any one of the design criteria in S4.A for three (3) consecutive months; or

2. the projected increase would reach design capacity within five (5) years, whichever occurs first. If such a plan is required, it shall contain a plan and schedule for continuing to maintain capacity. The capacity as outlined in this plan must be sufficient to achieve the effluent limitations and other conditions of this permit.

   This plan shall address the following actions or any others necessary to meet the objective of maintaining capacity.

   a. Analysis of the present design including the introduction of any process modifications that would establish the ability of the existing facility to achieve the effluent limits and other requirements of this permit at specific levels in excess of the existing design criteria specified in paragraph A above.

   b. Limitation on future sewer extensions or connections or additional waste loads.

   c. Modification or expansion of facilities necessary to accommodate increased flow or waste load.

   d. Reduction of industrial or commercial flows or wasteloads.

Engineering documents associated with the plan must meet the requirements of WAC 173-240-130, "Engineering Report," and be approved by the Department prior to any construction. The plan shall specify any contracts, ordinances, methods for financing, or other arrangements necessary to achieve this objective.

C. Duty to Mitigate

The Permittee is required to take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment

D. Notification of New or Altered Sources

The Permittee shall submit written notice to the Department whenever any new discharge or a substantial change in volume or character of an existing discharge into the IWWTF is proposed which: (1) would interfere with the operation of, or exceed the design capacity of, any portion of the IWWTF; or (2) would be subject to pretreatment standards under 40 CFR Part 403 and Section 307(b) of the Clean Water Act. This notice shall include an evaluation of the IWWTF's ability to adequately transport and treat the added flow and/or waste load, the quality and volume of effluent to be discharged to the IWWTF, and the anticipated impact on the Permittee's effluent [40 CFR 122.42(b)].

E. Wasteload Assessment

The Permittee shall conduct an annual assessment of its flow and wasteload of the entire treatment facility, including lagoons, SBR process and the land treatment system. The Port shall submit the first report to the Department by **April 15, 2005**, and annually thereafter.

The report shall contain the following: an indication of compliance or noncompliance with the permit effluent limitations; monthly average flows, peak flows, BOD, TSS, TDS and nitrogen loadings; and the percent increase in these parameters since the previous report. In the event a discharge limit is exceeded more than four (4) times in a quarter, the assessment shall contain an explanation for the exceedance and the measures taken to prevent future occurrences. After the design loadings have been approved by the Department, the assessment shall compare actual loadings to design loadings. The interval for review and reporting may be modified if the Department determines that a different frequency is sufficient.

S5. OPERATION AND MAINTENANCE

The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance (O&M) also includes adequate laboratory controls and appropriate quality assurance procedures. This

provision requires the operation of back-up or auxiliary facilities or similar systems, which are installed by a Permittee only when the operation is necessary to achieve compliance with the conditions of this permit.

A. O & M Program

The Permittee shall institute an adequate (O&M) program for the entire sewage system. Maintenance records shall be maintained on all major electrical and mechanical components of the treatment plant, as well as the sewage system and pumping stations. Such records shall clearly specify the frequency and type of maintenance recommended by the manufacturer and shall show the frequency and type of maintenance performed. These maintenance records shall be available for inspection at all times.

B. Short-term Reduction

If a Permittee contemplates a reduction in the level of treatment that would cause a violation of permit discharge limitations on a short-term basis for any reason, and such reduction cannot be avoided, the Permittee shall give written notification to the Department, if possible, thirty (30) days prior to such activities, detailing the reasons for, length of time of, and the potential effects of the reduced level of treatment. This notification does not relieve the Permittee of its obligations under this permit.

C. Electrical Power Failure

The Permittee is responsible for maintaining adequate safeguards to prevent the discharge of untreated wastes or wastes not treated in accordance with the requirements of this permit during electrical power failure at the treatment plant and/or sewage lift stations either by means of alternate power sources, standby generator, or retention of inadequately treated wastes.

D. Bypass Procedures

Bypass, which is the intentional diversion of waste streams from any portion of a treatment facility, is prohibited, and the Department may take enforcement action against a Permittee for bypass unless one of the following circumstances (1, 2, or 3) is applicable.

1. Bypass for essential maintenance without the potential to cause violation of permit limits or conditions.

   Bypass is authorized if it is for essential maintenance and does not have the potential to cause violations of limitations or other conditions of this permit, or adversely impact public health as determined by the Department prior to the bypass.

The Permittee shall submit prior notice, if possible at least ten (10) days before the date of the bypass.

2. Bypass which is unavoidable, unanticipated and results in noncompliance of this permit.

   This bypass is permitted only if:

   a. Bypass is unavoidable to prevent loss of life, personal injury, or severe property damage. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass.
   b. There are no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, stopping production, maintenance during normal periods of equipment downtime (but not if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance), or transport of untreated wastes to another treatment facility.
   c. The Department is properly notified of the bypass as required in Special Condition S3.E of this permit.

3. Bypass which is anticipated and has the potential to result in noncompliance of this permit

   The Permittee shall notify the Department at least thirty (30) days before the planned date of bypass. The notice shall contain: (1) a description of the bypass and its cause; (2) an analysis of all known alternatives which would eliminate, reduce, or mitigate the need for bypassing; (3) a cost-effectiveness analysis of alternatives including comparative resource damage assessment; (4) the minimum and maximum duration of bypass under each alternative; (5) a recommendation as to the preferred alternative for conducting the bypass; (6) the projected date of bypass initiation; (7) a statement of compliance with SEPA; (8) a request for modification of water quality standards as provided for in WAC 173-201A-110, if an exceedance of any water quality standard is anticipated; and (9) steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass.

   For probable construction bypasses, the need to bypass is to be identified as early in the planning process as possible. The analysis required above shall be considered during preparation of the engineering report or facilities plan and plans and specifications and shall be included to the extent practical. In cases where the probable need to bypass is determined early, continued analysis is necessary up to

and including the construction period in an effort to minimize or eliminate the bypass.

The Department will consider the following prior to issuing an administrative order for this type bypass:

a. If the bypass is necessary to perform construction or maintenance-related activities essential to meet the requirements of this permit.
b. If there are feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, stopping production, maintenance during normal periods of equipment down time, or transport of untreated wastes to another treatment facility.
c. If the bypass is planned and scheduled to minimize adverse effects on the public and the environment.

After consideration of the above and the adverse effects of the proposed bypass and any other relevant factors, the Department will approve or deny the request. The public shall be notified and given an opportunity to comment on bypass incidents of significant duration, to the extent feasible. Approval of a request to bypass will be by administrative order issued by the Department under RCW 90.48.

E. O&M Manual

The approved O&M Manual shall be kept available at the treatment plant and all operators shall follow the instructions and procedures of this manual.

An O&M Manual shall be prepared by the Permittee in accordance with WAC 173-240-080 and be submitted to the Department for review and approval by **June 15, 2005**. In addition to requirements of WAC 173-240-150 (1) and (2), the O&M Manual shall include:

1. Emergency procedures for plant shutdown and cleanup in event of wastewater system upset or failure;
2. Wastewater system maintenance procedures that contribute to the generation of wastewater;
3. The treatment plant process control monitoring schedule;
4. O&M of equipment used to assure compliance with this permit (e. g., samplers, flow meters); and,
5. Minimum staffing required to adequately operate and maintain the treatment plant and conduct required monitoring.
6. (Specify other items on case-by-case basis.)

An updated O&M Manual, incorporating any last minute design changes and operational experience, shall be submitted to the Department **February 28, 2009**.

S6. PRETREATMENT

A. General Requirements

The Permittee shall work with the Department to ensure that all commercial and industrial users of the IWWTF are in compliance with the pretreatment regulations promulgated in 40 CFR Part 403 and any additional regulations that may be promulgated under Section 307(b) (pretreatment) and 308 (reporting) of the Federal Clean Water Act.

B. Wastewater Discharge Permit Required

The Permittee shall not allow industrial users (IUs) to discharge wastewater to the Permittee's sewerage system until such user has received a wastewater discharge permit from the Department in accordance with Chapter 90.48 RCW and Chapter 173-216 WAC, as amended.

C. Identification and Reporting of Existing, New, and Proposed Industrial Users

1. The Permittee shall take continuous, routine measures to identify all existing, new, and proposed IU and potential IU's discharging or proposing to discharge to the Permittee's sewerage system.

2. Within thirty (30) days of becoming aware of an unpermitted existing, new, or proposed industrial user, the Permittee shall notify such user by registered mail that they shall be required to apply to the Department and obtain a State Waste Discharge Permit. A copy of this notification letter shall also be sent to the Department within this same 30-day period.

D. Annual Industrial User Survey

The Permittee shall complete and submit to the Department an Industrial User Survey listing all permitted industries discharging to the IWWTF. The survey shall be received by the Department by **April 15, 2005**, and annually thereafter. The survey shall include, at a minimum, a list of the discharging facilities, their respective annual hydraulic and constituent contract allocations, and the actual flow volumes and constituent loadings to the IWWTF.

E. Duty to Enforce Discharge Prohibitions

1. In accordance with 40 CFR 403.5(a), the Permittee shall not authorize or knowingly allow the discharge of any pollutants into its treatment system which cause pass through or interference, or which otherwise violates general or specific discharge prohibitions contained in 40 CFR Part 403.5 or WAC-173-216-060.

2. The Permittee shall not authorize or knowingly allow the introduction of any of the following into their treatment works:

    a. Pollutants which create a fire or explosion hazard in the IWWTF (including, but not limited to waste streams with a closed cup flashpoint of less than 140 degrees (º) Fahrenheit or 60º Centigrade using the test methods specified in 40 CFR 261.21).
    b. Pollutants which will cause corrosive structural damage to the IWWTF.
    c. Solid or viscous pollutants in amounts that could cause obstruction to the flow in sewers or otherwise interfere with the operation of the IWWTF.
    d. Any pollutant, including oxygen demanding pollutants, (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the IWWTF.
    e. Petroleum oil, nonbiodegradable cutting oil, or products of mineral origin in amounts that will cause interference or pass through.
    f. Pollutants which result in the presence of toxic gases, vapors, or fumes within the IWWTF in a quantity which may cause acute worker health and safety problems.
    g. Heat in amounts that will inhibit biological activity in the IWWTF resulting in interference of the treatment process.
    h. Any trucked or hauled pollutants, except at discharge points designated by the Permittee.
    i. Wastewaters prohibited to be discharged to the IWWTF by the Dangerous Waste Regulations (Chapter 173-303 WAC), unless authorized under the Domestic Sewage Exclusion (WAC 173-303-071).

3. All of the following are prohibited from discharge to the IWWTF unless approved in writing by the Department under extraordinary circumstances:

    a. Noncontact cooling water in volumes that interfere with treatment processes.
    b. Stormwater, and other direct inflow sources in volumes that interfere with treatment processes.
    c. Wastewaters significantly affecting system hydraulic loading, which do not require treatment, or would not be afforded a significant degree of treatment by the system.

4. The Permittee shall notify the Department if any industrial user violates the prohibitions listed in this section.

S7. RESIDUAL SOLIDS

The Permittee shall manage all residual solids (grit, screenings, scum, sludge and solid waste) in accordance with the requirements of: (1) RCW 90.48.080 and Water Quality Standards; (2) applicable sections of 40 CFR Part 503 and Chapter 173-308 WAC, "Biosolids Management"; (3) applicable sections of Chapter 173-350 WAC, "Solid Waste Handling Standards."

The final use and disposal of biosolids shall be done in accordance with Chapter 173-308 WAC, "Biosolids Management", 40 CFR Part 503, and under coverage of the State general permit for biosolids management, as applicable.

The disposal of solid waste, other than biosolids, is regulated by the local jurisdictional health department in accordance with State solid waste regulations.

The Permittee shall submit a Sludge Management Plan to the Department for review and approval by **July 15, 2007**.

S8. ENGINEERING REPORT

The Permittee shall submit to the Department an engineering report that proposes a schedule to achieve compliance with the State's Surface Water Quality Standards (Chapter 173-201A WAC) for its present and future discharges. The engineering report shall address compliance with all applicable water quality criteria, including, but not limited to turbidity, fecal coliform bacteria, chloride and nutrients (nitrogen and phosphorus). It shall propose a point of compliance and the means to verify compliance. In addition, the engineering report shall address compliance with the State's antidegradation policy contained in the standards.

A. Scope of Work

By **July 15, 2008**, the Permittee shall submit to the Department, for review and approval, a scope of work for the upcoming engineering report.

B. Draft Engineering Report

By **January 15, 2009**, the Permittee shall submit to the Department, for review and approval, a draft engineering report.

C. Final Engineering Report

By **July 15, 2009**, the Permittee shall submit to the Department, for review and approval, a final engineering report.

The engineering report shall be written in accordance with the requirements of WAC 173-240-130. In addition to the requirements contained in WAC 173-240-130, the engineering report shall incorporate pollution prevention measures, as appropriate.

GENERAL CONDITIONS

G1. SIGNATORY REQUIREMENTS

All applications, reports, or information submitted to the Department shall be signed and certified.

A. All permit applications shall be signed by either a principal executive officer or a ranking elected official.

B. All reports required by this permit and other information requested by the Department shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

1. The authorization is made in writing by a person described above and submitted to the Department.

2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)

C. Changes to authorization. If an authorization under paragraph B.2 above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph B.2 above must be submitted to the Department prior to or together with any reports, information, or applications to be signed by an authorized representative.

D. Certification. Any person signing a document under this section shall make the following certification:

> I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false

information, including the possibility of fine and imprisonment for knowing violations.

G2. RIGHT OF INSPECTION AND ENTRY

The Permittee shall allow an authorized representative of the Department, upon the presentation of credentials and such other documents as may be required by law:

A. To enter upon the premises where a discharge is located or where any records must be kept under the terms and conditions of this permit.

B. To have access to and copy - at reasonable times and at reasonable cost - any records required to be kept under the terms and conditions of this permit.

C. To inspect - at reasonable times - any facilities, equipment (including monitoring and control equipment), practices, methods, or operations regulated or required under this permit.

D. To sample or monitor - at reasonable times - any substances or parameters at any location for purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act.

G3. PERMIT ACTIONS

This permit may be modified, revoked and reissued, or terminated either at the request of any interested person (including the permittee) or upon the Department's initiative. However, the permit may only be modified, revoked and reissued, or terminated for the reasons specified in 40 CFR 122.62, 122.64 or WAC 173-220-150 according to the procedures of 40 CFR 124.5.

A. The following are causes for terminating this permit during its term, or for denying a permit renewal application:

1. Violation of any permit term or condition.
2. Obtaining a permit by misrepresentation or failure to disclose all relevant facts.
3. A material change in quantity or type of waste disposal.
4. A determination that the permitted activity endangers human health or the environment, or contributes to water quality standards violations and can only be regulated to acceptable levels by permit modification or termination [40 CFR part 122.64(3)].
5. A change in any condition that requires either a temporary or permanent reduction, or elimination of any discharge or sludge use or disposal practice controlled by the permit [40 CFR part 122.64(4)].

6. Nonpayment of fees assessed pursuant to RCW 90.48.465.
7. Failure or refusal of the permittee to allow entry as required in RCW 90.48.090.

B. The following are causes for modification but not revocation and reissuance except when the permittee requests or agrees:

1. A material change in the condition of the waters of the State.
2. New information not available at the time of permit issuance that would have justified the application of different permit conditions.
3. Material and substantial alterations or additions to the permitted facility or activities which occurred after this permit issuance.
4. Promulgation of new or amended standards or regulations having a direct bearing upon permit conditions, or requiring permit revision.
5. The Permittee has requested a modification based on other rationale meeting the criteria of 40 CFR part 122.62.
6. The Department has determined that good cause exists for modification of a compliance schedule, and the modification will not violate statutory deadlines.
7. Incorporation of an approved local pretreatment program into a municipality's permit.

C. The following are causes for modification or alternatively revocation and reissuance:

1. Cause exists for termination for reasons listed in A1 through A7 of this section, and the Department determines that modification or revocation and reissuance is appropriate.
2. The Department has received notification of a proposed transfer of the permit. A permit may also be modified to reflect a transfer after the effective date of an automatic transfer (General Condition G8) but will not be revoked and reissued after the effective date of the transfer except upon the request of the new permittee.

G4. REPORTING PLANNED CHANGES

The Permittee shall, as soon as possible, but no later than sixty (60) days prior to the proposed changes, give notice to the Department of planned physical alterations or additions to the permitted facility, production increases, or process modification which will result in: 1) the permitted facility being determined to be a new source pursuant to 40 CFR 122.29(b); 2) a significant change in the nature or an increase in quantity of pollutants discharged; or 3) a significant change in the Permittee's sludge use or disposal practices. Following such notice, and the submittal of a new application or supplement to the existing application, along with required engineering plans and reports, this permit may be modified, or revoked and reissued pursuant to 40 CFR 122.62(a) to specify and limit any pollutants not previously limited. Until such modification is effective, any new or increased discharge in excess of

permit limits or not specifically authorized by this permit constitutes a violation of the terms and conditions of this permit.

G5. PLAN REVIEW REQUIRED

Prior to constructing or modifying any wastewater control facilities, an engineering report and detailed plans and specifications shall be submitted to the Department for approval in accordance with Chapter 173-240 WAC. Engineering reports, plans, and specifications shall be submitted at least one hundred eighty (180) days prior to the planned start of construction unless a shorter time is approved by Ecology. Facilities shall be constructed and operated in accordance with the approved plans.

G6. COMPLIANCE WITH OTHER LAWS AND STATUTES

Nothing in this permit shall be construed as excusing the Permittee from compliance with any applicable Federal, State, or local statutes, ordinances, or regulations.

G7. DUTY TO REAPPLY

The Permittee shall apply for permit renewal at least one (1) year prior to the specified expiration date of this permit.

G8. TRANSFER OF THIS PERMIT

In the event of any change in control or ownership of facilities from which the authorized discharge emanate, the Permittee shall notify the succeeding owner or controller of the existence of this permit by letter, a copy of which shall be forwarded to the Department.

A. Transfers by Modification

Except as provided in paragraph (B) below, this permit may be transferred by the Permittee to a new owner or operator only if this permit has been modified or revoked and reissued under 40 CFR 122.62(b)(2), or a minor modification made under 40 CFR 122.63(d), to identify the new Permittee and incorporate such other requirements as may be necessary under the Clean Water Act.

B. Automatic Transfers

This permit may be automatically transferred to a new Permittee if:

1. The Permittee notifies the Department at least thirty (30) days in advance of the proposed transfer date.

2. The notice includes a written agreement between the existing and new Permittees containing a specific date transfer of permit responsibility, coverage, and liability between them.
3. The Department does not notify the existing Permittee and the proposed new Permittee of its intent to modify or revoke and reissue this permit. A modification under this subparagraph may also be minor modification under 40 CFR 122.63. If this notice is not received, the transfer is effective on the date specified in the written agreement.

G9. REDUCED PRODUCTION FOR COMPLIANCE

The Permittee, in order to maintain compliance with its permit, shall control production and/or all discharges upon reduction, loss, failure, or bypass of the treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

G10. REMOVED SUBSTANCES

Collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall not be resuspended or reintroduced to the final effluent stream for discharge to State waters.

G11. DUTY TO PROVIDE INFORMATION

The Permittee shall submit to the Department, within a reasonable time, all information which the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The Permittee shall also submit to the Department upon request, copies of records required to be kept by this permit.

G12. OTHER REQUIREMENTS OF 40 CFR

All other requirements of 40 CFR 122.41 and 122.42 are incorporated in this permit by reference.

G13. ADDITIONAL MONITORING

The Department may establish specific monitoring requirements in addition to those contained in this permit by administrative order or permit modification.

G14. PAYMENT OF FEES

The Permittee shall submit payment of fees associated with this permit as assessed by the Department.

G15. PENALTIES FOR VIOLATING PERMIT CONDITIONS

Any person who is found guilty of willfully violating the terms and conditions of this permit shall be deemed guilty of a crime, and upon conviction thereof shall be punished by a fine of up to ten thousand dollars ($10,000) and costs of prosecution, or by imprisonment in the discretion of the court. Each day upon which a willful violation occurs may be deemed a separate and additional violation.

Any person who violates the terms and conditions of a waste discharge permit shall incur, in addition to any other penalty as provided by law, a civil penalty in the amount of up to ten thousand dollars ($10,000) for every such violation. Each and every such violation shall be a separate and distinct offense, and in case of a continuing violation, every day's continuance shall be deemed to be a separate and distinct violation.

G16. UPSET

Definition – "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the Permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of the following paragraph are met.

A Permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that: 1) an upset occurred and that the Permittee can identify the cause(s) of the upset; 2) the permitted facility was being properly operated at the time of the upset; 3) the Permittee submitted notice of the upset as required in Special Condition S3.E; and 4) the Permittee complied with any remedial measures required under Special Condition S4.C of this permit.

In any enforcement proceeding the Permittee seeking to establish the occurrence of an upset has the burden of proof.

G17. PROPERTY RIGHTS

This permit does not convey any property rights of any sort, or any exclusive privilege.

G18. DUTY TO COMPLY

The Permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

G19. TOXIC POLLUTANTS

The Permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if this permit has not yet been modified to incorporate the requirement.

G20. PENALTIES FOR TAMPERING

The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than ten thousand dollars ($10,000) per violation, or by imprisonment for not more than two years per violation, or by both. If a conviction of a person is for a violation committed after a first conviction of such person under this Condition, punishment shall be a fine of not more than twenty thousand dollars ($20,000) per day of violation, or by imprisonment of not more than four (4) years, or by both.

G21. REPORTING ANTICIPATED NON-COMPLIANCE

The Permittee shall give advance notice to the Department by submission of a new application or supplement thereto at least one hundred and eighty (180) days prior to commencement of such discharges, of any facility expansions, production increases, or other planned changes, such as process modifications, in the permitted facility or activity which may result in noncompliance with permit limits or conditions. Any maintenance of facilities, which might necessitate unavoidable interruption of operation and degradation of effluent quality, shall be scheduled during noncritical water quality periods and carried out in a manner approved by the Department.

G22. REPORTING OTHER INFORMATION

Where the Permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application, or in any report to the Department, it shall promptly submit such facts or information.

G23. COMPLIANCE SCHEDULES

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than fourteen (14) days following each schedule date.